UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,027	08/10/2006	Raymond Gass	LUTZ 200750	4216

48116 7590 03/20/2009

FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115-1843

EXAMINER	
NGUYEN, PHUNG HOANG JOSEPH	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
03/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,027	GASS ET AL.	
	Examiner	Art Unit	
	PHUNG-HOANG J. NGUYEN	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed 1/22/09 has been carefully considered and has been entered. Claims 1-15 have been amended. Claims 1-15 are still pending in this application, with claims 1 and 15 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by McCalmont et al (US Pat 6,771,742):

As to claim 1, McCalmont teaches a method of sending call center data representative of a location of a communication terminal *(see Abstract),* the method comprising

constituting and then sending to the call center (*delivery of a request for emergency service):*

a signaling message requesting *(a call or request, col. 3, line 49)*

the setting up of a call between this terminal *(Mobile communication device 268 or a landline device 224 of fig. 2)* and the call center *(Emergency service network*

208 comprising PSAP 244 of fig. 2), wherein the signal message comprises an unambiguous call identifier *(caller identification, Abstract)*, and

a location message comprising data representative of the location of the calling terminal *(e.g., latitude and longitude, street address, vehicle collision data, etc., col. 3, line 52)* and the unambiguous call identifier *(caller identification, see above)* and in the call center, associating the signaling message and a location message received by the call center and comprising a unambiguous call identifier *(allows an emergency service call center (ESCC) to automatically route a call or request for emergency services to the correct public safety answering point (PSAP) and provide the PSAP with pertinent information (e.g., latitude and longitude, street address, vehicle collision data, etc.) related to the caller, col. 3, lines 48-53).*

Furthermore, McCalmont teaches the network node generates and integrates the unambiguous call identifier into the location message *(Each public safety answering point 244 and automatic location identification database or system 248 associated with a network 200 may be considered to be a network node, Col. 7, lines 34-37; Each emergency service call center 212 associated with a network 200 may be considered a network node., col. 10, lines 7-8; In general, the network 200 may be considered as including a number of nodes. These nodes may include a communication device 224, 268, a public safety answering point 244, an emergency service call center 212, and an emergency services complex 216, col. 12, lines 9-13).*

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-15 are rejected under 35 U.S.C. 103(a) as being obvious over McCalmont.

As to claims 2 and 4-5, McCalmont does not specifically spell out that said signaling message is a text message; that said text message is sent in the form of electronic mail; and that said text message is sent in the form of an SMS type short message.

McCalmont states the additional caller information may include information that is delivered visually to a public safety answering point operator (col. 16, lines 33-34). This indicates that the visual information is text message or any GUI message. Furthermore, McCalmont however teaches the availability of Internet in the computer network and MSC comprising mobile communication device. As McCalmont points out the base station or cell cites 272 is generally in wireless communication with the mobile communication device 268. As can be appreciated by those of skill in the art, a mobile communication network 220 typically contains a large number of base stations 272 to provide coverage to a large geographic area. As can also be appreciated, a base station 272 may include a communication satellite where, for example, the mobile communication device 268 comprises a satellite telephone. The mobile switching center

276 handles the routing of communications between a mobile communication device 268 and the public switched telephone network 204, (col. 10, lines 56-65 and col. 11, lines 1-24). These types of networks are packet-based and are widely available for the use of text message, e-mail and SMS message.

Therefore it would have been obvious to the ordinary skilled artisan at the time of the invention was made to clearly define the capability of a system and add one or two more steps in the method to pin-point to the exact location of the terminal in case an emergency help is immediately needed for those in distress. It first provides different ways to contact the PSAP not just by voice, but also by text or email format. Secondly and, most important, potential life and time saving is the key to this incorporation rationale.

As to claim 3, McCalmont teaches the user-to-user signaling channel is used to send the text message *(see claim 2 for text messaging teaching)* over an integrated services digital network using synchronous time division multiplexing (col. 5, line 1-4).

As to claim 6, McCalmont teaches that location data of the calling terminal *(mobile device 268 of fig. 2)* is determined by a location server (location device 278) belonging to a network *(Mobile communication network 220)* to which said calling terminal *(mobile device 268 of fig. 2)* is connected, after which said text message is generated *(see claim 2 for teaching on text message)* and sent by a text message server *(MSC 276 does this function)* belonging to said network *(Mobile communication network 220).*

As to claim 7, McCalmont teaches that said text message includes a field dedicated to data representative of the nature of the unambiguous call identifier *(emergency such as car crash, medical emergency and an alarm)* followed by a field dedicated to said unambiguous call identifier *(caller identification)* and at least one field dedicated to data representative of said location *(location… col. 9, lines 57-60 for all three fields).*

As to claim 8, McCalmont teaches said nature of the unambiguous call identifier designates at least one number selected from:

a generic number and an area identifier, both integrated into said signaling message and respectively representing an entity to which said terminal is attached and a geographical area in which said terminal is situated *(The public safety answering point 244, upon receipt of the call and the associated ESQK, queries the automatic location identification database 248 with the ESQK (step 460). The automatic location identification database 248 recognizes the ESQK as being associated with an emergency service call center 212, and passes the query to the positioning server 256 (step 464). The positioning server 256 uses the ESQK to retrieve caller information, and returns the caller information to the public safety answering point 244 (step 468). The public safety answering point 244 then displays the caller information to the public safety answering point operator handling the call (step 472), Col. 15, lines 50-62).*

As to claims 9-11, McCalmont teaches that said text message *(see claims 2 for text messaging teaching)* includes at least three fields dedicated to location data, a first field being dedicated to a latitude measurement, a second field being dedicated to a

longitude measurement and a third field being dedicated to an altitude measurement; and that said text message includes at least three fields respectively dedicated to the resolutions of the latitude, longitude and altitude measurements and respectively associated with said first, second and third location fields *(the positioning server 256 extracts location information, such as latitude and longitude information, received from the emergency service call center 212, and uses this information to query the coordinate routing database 252, col. 9, line 6-29. Note that McCalmont only mentioned longitude and latitude. The altitude is obvious since this is common element of GPS/satellite calculation as McCalmont also teaches satellite 280 of fig. 2).*

As to claims 12-14, McCalmont teach that said call identifier is placed in a free field of said signaling message requesting the setting up of a call between the terminal and a call center *(routing of requests for emergency services to an appropriate public safety answering point, col. 2, line 36)*; that said call identifier is a number selected from a selected set of numbers *(determine the emergency services routing number (ESRN) or telephone number associated with the target E9-1-1 tandem 236, col. 9, line 32)*; and that said set is specific to the network to which said calling terminal is connected *(PSAP connecting to the E911 tandem of fig. 2 where it is designated specifically to the emergency help, col. 3, line 58-col. 4, line 5).*

As to claim 15, see claim 1 for the base teaching and claim 2 for the text messaging teaching.

Response to Arguments

6. Applicant's arguments with respect to claims 52-104 have been considered but are not persuasive to put the application in the condition for allowance.

Quoting the key point from the applicant's remark:

> *"independent claim 1 recites that the unambiguous call identifier is generated in a network node receiving the signaling message and that the unambiguous call identifier is integrated into the signaling message. In addition, independent claim 1 recites that a location message is generated and the unambiguous call identifier is integrated into the location message. McCalmont et al. fails to disclose or suggest the claimed subject matter. McCalmont et al. appears to relate to automatic routing of a request for emergency services to the correct answering point, by providing an emergency services complex boundaries for a given answering point. The Examiner contends that, at col. 5, ll. 20-27, McCalmont et al. discloses the claimed subject matter".*

Examiner respectfully disagrees with the applicant in understanding and interpretation of McCalmont.

First of all, even with the amended claims which emphasized on the formality of the claim format, claim language remains elusive and leaves room for any ordinary skilled artisan to question: "what is the advantage of the current application over the prior arts? What are the superior characteristics and/or enhancement over the previous teaching? Please see the prior arts cited by the examiner, i.e., McCalmont and many others.

Secondly, while examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant, the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of

the claims. Therefore, the full consideration of the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner is respectfully requested.

Examiner acknowledges applicant's remark that McCalmont et al. appears to relate to automatic routing of a request for emergency services to the correct PSAP (Remark, page 7). It is not however the only element McCalmont teaches.

McCalmont clearly teaches the request for connection message that includes caller identification (an ordinary skilled artisan should realize that caller identification means, **at least,** identification of a telephone number, the subscriber of that number, subscriber's name and address, see Abstract and at least col. 2, lines 6-18). McCalmont considers the above information static (col. 10, line 10)

Thus, McCalmont enhances his art to include the location of the call by providing several embodiments of enhancements. For example, McCalmont's teaching provides the PSAP with pertinent information (e.g., latitude and longitude, street address, vehicle collision data, etc.) related to the caller. In particular, the present invention provides an emergency services complex (ESC) that has a map of PSAP boundaries covering a large area. For example, the ESC may provide coverage for the entire United States, col. 3, lines 48-57. Furthermore, McCalmont teaches the use of automatic location identification (ALI) and emergency service query key (ESQK) feature in identifying actual location of a distress call and route the information to the closest emergency response center (col. 5, lines 20-27). Here, it is obvious to the ordinary skilled artisan that McCalmont integrates the unambiguous call identifier with location to provide

appropriate and prompt service to the caller. Other passages relevant to this teaching are: col. 7, lines 45-48; col. 8, lines 30-37; col. 9, lines 20-61.

Applicant further states:

> *"Moreover, independent claim 15 recites determining an unambiguous call identifier in a network node. As mentioned supra, McCalmont et al. is silent with regard to creating an unambiguous call identifier in a network node. Thus, McCalmont fails to disclose or suggest determining an unambiguous call identifier in a network node, as claimed"*

Examiner again respectfully disagrees. There are quite a few passages indicating the role of the network node in the process of associating or integrating the unambiguous call identifier and the location. Each public safety answering point 244 and automatic location identification database or system 248 associated with a network 200 may be considered to be a network node, Col. 7, lines 34-37; Each emergency service call center 212 associated with a network 200 may be considered a network node., col. 10, lines 7-8; In general, the network 200 may be considered as including a number of nodes. These nodes may include a communication device 224, 268, a public safety answering point 244, an emergency service call center 212, and an emergency services complex 216, col. 12, lines 9-13. McCalmont discusses the dynamic association of location information with the static information *(The call center database 264 contains pertinent client and incident information. Accordingly, static information such as client name, address, call back number, medical conditions, vehicle information or premises information may be included. In addition, the call center database 264 contains location information, for example in the form of the latitude and longitude of the communication device 224, 268 initiating the call. The location information may be pre-*

provisioned in the database 264, for example in the case of emergency services provided in connection with a premises alarm. Location information may also be entered into the database dynamically, for example at the time the call to the emergency service call center 212 is made. For example, location information provided by a global positioning system (GPS) receiver in an automobile involved in a collision may be received as part of a communication initiated by a mobile communication device 268 associated with the automobile and stored in the call center database 264, col. 10, lines 9-26).

For the above reason, examiner remains confident that McCalmont does teach the claimed feature of the current application.

CONCLUSION

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phung-Hoang J Nguyen/
Examiner, Art Unit 2614